

## REMARKS

### Rejections under 35 U.S.C. Section 112

Claim 27 is rejected under 35 U.S.C. Section 112. Claim 27 has been canceled without prejudice. Claim 29 was identified as lacking antecedent basis. Claim 29 has been amended to make it clear that it is dependent on a method claim, namely claim 28. Reconsideration and withdrawal of the Section 112 rejection of claim 29 is respectfully requested.

### Rejections under 35 U.S.C. Section 102

Claims 1, 3, 12 and 14 are rejected as being anticipated by Harris. Claims 12 and 14 have been canceled. Claim 1 has been amended to recite that the material being treated is a proteinaceous by-product of the production of ethanol from corn and which is susceptible to caking during storage and transport. Harris relates to the treatment of silage. Harris teaches nothing with respect to the treatment of by-products of ethanol production that are susceptible to caking during storage and transport. Reconsideration and withdrawal of the Section 102 rejection of claims 1 and 3 is respectfully requested.

### Rejections under 35 U.S.C. Section 103

Claims 2-29 are rejected as being unpatentable under 35 U.S.C. Section 103(a) as being obvious over Harris in view of a variety of other references. Claims 12-17 have been canceled without prejudice. As set out above, Harris relates to the treatment of silage and teaches nothing with respect to the treatment of by-products of ethanol production that are susceptible to caking during storage and transport. None of the other cited references teach anything with respect to such by-products and so do not make up for this deficiency in the teaching of Harris. Reconsideration and withdrawal of the Section 103 rejections of claims 2-11 and 28-29 are respectfully requested.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully

submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-11 and 28-29 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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